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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,462	02/15/2001	Valdemar L. Washington	WVA-12202/04	2833

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EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,462

Applicant(s)

WASHINGTON, VALDEMAR L.

Examiner

Chad Zhong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 11/30/2004. This action has been made final.
2. Claims 1-6 are presented for examination. In amendment A, filed on 11/30/2004: claims 1 is amended.
3. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (hereinafter Walker), US 5,884,272.
6. As per claim 1, Walker teaches a method for anonymously communicating employee comments from an employee to an employer of the employee comprising the steps of:
transmitting said employee comments from the employee over a communication network to a third party, said third party being independent from the employer (Fig 1; Col. 19, line 65 – Col. 20, line 23

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wherein the message is transmitted to a third party, i.e. central controller first to perform message manipulation);

said third party removing all employee identifying indicia from the comments and all employee identifying indicia contained within the comments to thereby form redacted comments which represent the substance of the comments but without information indicative of the identity of the employee (see for example, Fig 9, Col. 4, lines 19-28; Col. 19, line 65 – Col. 20, line 24); and

said third party thereafter forwarding said redacted comments to the employer (see for example, Fig 9, Col. 4, lines 19-28; Col. 19, line 65 – Col. 20, line 24).

7. As per claim 2, Walker teaches the method as defined in claim 1 wherein said transmitting step further comprises the step of transmitting said employee comments over a telecommunications network (see for example, Fig 9, Col. 4, lines 19-28; Col. 19, line 65 – Col. 20, line 24).

8. As per claim 3, Walker teaches the method as defined in claim 2 wherein said communications network comprises the world wide web (Fig 1).

9. As per claim 4, Walker teaches the method as defined in claim 1 wherein said forwarding step further comprises the step of transmitting the redacted comments (Col. 20, lines 2-8) over a telecommunications network (see for example, Fig 9, Col. 4, lines 19-28).

10. As per claim 5, Walker teaches the method as defined in claim 4 wherein said communications network comprises the world wide web (Fig 1).

11. As per claim 6, Walker teaches the method as defined in claim 1 wherein said identifying indicia comprises an e-mail address (Col. 4, lines 45-50; Col. 9, lines 25-40).

Conclusion

12. Applicant's remarks filed 11/30/2004 have been considered but are found to be moot in view of the new grounds for rejection necessitated by Applicant's amendment.

13. In the remark, the applicant argued in substance that Boulton fails to disclose or suggest filtering of employee's comments (emphasis added) to a redacted form.

Newly cited reference to Walker et al. (US 5,884,272) teaches all features argued and claimed

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "METHOD FOR ANONYMOUSLY COMMUNICATING EMPLOYEE COMMENTS TO AN EMPLOYER".


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|------|------------|---------------|
| i. | US 4952913 | Pauley et al. |
| ii. | US 3988570 | Murphy et al. |
| iii. | US 5778174 | Cain. |
| iv. | US 5924103 | Ahmed et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
December 2, 2004


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100